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August 12, 2015

Honorable Kansen Chu
California State Assembly
State Capitol, Room 2179
Sacramento, CA 95814

**Re: AB 718 (Chu) - Removal of Regulatory Authority: Vehicles
Used For Human Habitation
Notice of Opposition**

Dear Assembly Member Chu:

Along with our related organizations, League of California Cities and California Business Properties Association, we join in opposition to AB 718. This measure effectively prohibits local agencies from enforcing laws and ordinances, otherwise subject to civil or criminal penalties, the act of people sleeping or "resting" in a lawfully parked motor vehicle.

Our organization is comprised of about 100 Business Improvement Districts throughout the state, entities often at the front lines in helping to deal with local homelessness, and do so in ways that serve the entire community. We are very concerned about the many challenges of addressing homelessness; we encourage lawmakers to enact and we support measures that provide funding to develop critically needed affordable housing and for mental health and other services resources that can truly help those living on our streets and in vehicles.

We do not believe, however, that removing local regulatory authority, which AB 718 would do, is an appropriate solution, as it would preempt local authority, including as we understand it BID agents to regulate and enforce laws governing the use of public and private space. Local ordinances arise and are adopted by communities to address specific issues affecting health, safety and broader public welfare.

Vehicle use California is a widespread reality (for whatever the



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Vehicle use and control issues should be addressed at the local level, not in Sacramento. The issues raised by AB 718 are less about parking but more about the use of vehicles for human habitation, including sleeping and “resting.” Neither city parking locations whether on public or private property, nor automobiles were intended or designed for residential occupancy. While AB 718 seeks to remove local authority to regulate such activity, the community impacts imposed by this bill cannot be understated:

- By combining the terms “sleeping” and “resting” within a vehicle, to the time that the occupant may be otherwise outside of the vehicle, the bill appears to allow continuous habitation in a vehicle on public or private property where not otherwise prohibited to park a vehicle.
- Temporarily parking an empty vehicle at a commercial (or residential) property is quite different than an occupied vehicle “resting” unmoving for unknown periods. A reasonable property owner will want to know: Who is this person? What is their intention? How can you tell are they “resting” under SB 718 versus stalking the home/business or its occupants? To what extent is this unmoved vehicle impeding bona fide customers from patronizing the business? AB 718 appears to prohibit a police officer from asking the person to move or issuing a citation if they don’t. How long does a vehicle stay fixed in one place without ordinances to prevent this?
- What about public health and sanitation? How is human waste to be addressed? What does the term “resting” apply and not apply to?
- The concept of “resting” was the central feature of SB 608 (Liu) the “Right to Rest Act,” now a two-year Senate bill. That measure, co-sponsored by a key supporter of this measure, the Western Regional Advocacy Project, stated that *“the existence of homelessness requires that civil and human rights that are amply protected in the home and in other private places be extended to the public areas in which homeless persons live to ensure the equal rights of all Californians, whether homeless or housed.”* Does this imply that “rights”



reserved to the home, such as keeping arms, alcohol consumption, other private activity extend to someone sleeping or “resting” in an automobile on a public street or on private property?

This measure should be rejected. Cities work hard to balance all of the needs of their communities. It is simply not appropriate for the Legislature to attempt to remove local government authority to appropriately protect residents’ public health, safety and welfare from issues that arise when people live (outside of campgrounds) in cars, SUVs vans and trucks parked. These are not easy issues to deal with, but they cannot responsibly be ignored.

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At the state level, what is most needed to combat homelessness is adequate funding to address the crisis of dwindling supply and availability of affordable housing and emergency shelters. Several major pending measures can help restore funds for affordable housing; the May Revise is expected to yield additional state revenue. We encourage legislators to support additional funding for affordable housing and homeless solutions.

For these reasons, we must oppose AB 718. If you have any questions about our position, please contact me at the California Downtown Association.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Schlau".

Lauren Schlau
President

Cc: CDA Board of Directors
CDA membership
California League of Cities
California Business Property Owners Association